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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,450	10/19/2001	Keith E.G. Emery	10007533-1	4069

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EXAMINER

SHAH, MANISH S

ART UNIT PAPER NUMBER

2853

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.D.

Office Action Summary

Application No.

10/046,450

Applicant(s)

EMERY, KEITH E.G.

Examiner

Manish S. Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-31 is/are allowed.
- 6) ☒ Claim(s) 1-15, 17 and 32-39 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Note: The indicated allowability of claims 13-17 is withdrawn in view of the newly discovered reference(s) to Dewar et al.. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Dewar et al. (# US 5303215).

Dewar et al. discloses a storage medium including data stored therein through use of lands and pits (column: 5, line: 5-30) and attached to replaceable component of an apparatus, the component serving one or more purpose other than data storage and the storage medium operable using an electromagnetic beam (column: 11, line: 60-66) and including a holographic image (column: 12, line: 13-31). They also disclose that the storage medium is readable or writable (see Abstract). They also disclose that storage medium is laser writeable storage medium (see Abstract). They also disclose that the storage medium includes an adhesive for attachment to the component (column: 12,

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line: 20-30). They also disclose that the storage medium snap-fits to the component (column: 12, line: 20-36).

3. Claims 13-15 & 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Dewar et al. (# US 5303215).

Dewar et al. discloses a system including a R/W device and component that serves one or more purpose other than data storage, wherein a storage medium including data stored therein through use of lands and pits (column: 5, line: 5-30) and attached to replaceable component of an apparatus, the component serving one or more purpose other than data storage and the storage medium operable using an electromagnetic beam (column: 11, line: 60-66) and including a holographic image (column: 12, line: 13-31). They also disclose that the storage medium is readable or writable (see Abstract). They also disclose that storage medium is laser writeable storage medium (see Abstract). They also disclose that the storage medium includes an adhesive for attachment to the component (column: 12, line: 20-30). They also disclose that the storage medium snap-fits to the component (column: 12, line: 20-36).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8-12 & 32-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saruta et al. (# US 6533383) in view of Dewar et al. (# US 5303215).

Saruta et al. discloses a print cartridge including read and/or write storage medium (see Abstract; column: 16, line: 43-52) operable using an electromagnetic memory (column: 16, line: 45-52), wherein cartridge including inkjet printer cartridge (see Abstract; figure: 2, 3a-3b; 7, 8a-8b).

Saruta et al. differs from the claim of the present invention is that (1) the storage medium operable using an electromagnetic beam, wherein the storage medium includes lands and pits for storage of data. (2) The storage medium includes a halogram or indicia of authenticity. (3) The storage medium includes a laser writeable storage medium.

Dewar et al. teaches a storage medium including data stored therein through use of lands and pits (column: 5, line: 5-30) and attached to replaceable component of an apparatus, the component serving one or more purpose other than data storage and the storage medium operable using an electromagnetic beam (column: 11, line: 60-66) and including a holographic image (column: 12, line: 13-31). They also disclose that the storage medium is readable or writable (see Abstract). They also disclose that storage

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medium is laser writeable storage medium (see Abstract). They also disclose that the storage medium includes an adhesive for attachment to the component (column: 12, line: 20-30). They also disclose that the storage medium snap-fits to the component (column: 12, line: 20-36).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the printer cartridge of Saruta et al. by the aforementioned teaching of Dewar et al. in order to have an inexpensive print cartridge.

Allowable Subject Matter

5. Claims 18-31 are allowed.
6. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The component includes a printer cartridge.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) Van Der Enden et al. (# US 6,151,281) discloses reading and writing an incomplete recording on an optical disk, using land and pits (column: 3, line: 30-45).

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(2) Kim (# US 6,567,368) discloses optical recording medium and method and apparatus of producing it, using land and pits (column: 4, line: 55-67; column: 5, line: 35-67; column: 6, line: 1-5).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manish S. Shah whose telephone number is (571) 272-2152. The examiner can normally be reached on 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Manish S. Shah
Primary Examiner
Art Unit 2853

MSS

7/19/05